

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA

v.

LEILA VARRETTA HECTOR,

Defendant.

Case No. 2:18CR00003-002

ORDER

By: James P. Jones
United States District Judge

The court of appeals has directed the court to reconsider, in light of the defendant's medical condition and the current coronavirus pandemic, this court's prior order denying the defendant's motion for a stay of her imprisonment pending her appeal. *See* Fed. R. Crim. P. 38(b)(1). The Federal Rules of Appellate Procedure provide that the decision regarding release pending appeal must be made in accord with the applicable provisions of the Bail Reform Act. That Act provides, in pertinent part, that the court:

[S]hall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

(A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released . . . ; and

(B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in-

(i) reversal,

(ii) an order for a new trial,

(iii) a sentence that does not include a term of imprisonment, or

(iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

18 U.S.C. § 3143(b).

The defendant does not meet the conditions of the Act. However, in view of the direction of the court of appeals and under the present extraordinary circumstances, I will reverse my prior order.

It is accordingly **ORDERED** that the sentence of imprisonment imposed upon the defendant is hereby STAYED and she shall remain under her bond and conditions of release pending her current appeal. Any direction to her to report to a Bureau of Prison facility is VACATED.

The Clerk shall provide the Clerk of the Court of Appeals, the defendant, the U.S. Marshals Service, and the U.S. Probation Office, with a copy of this Order.

It is so **ORDERED**.

ENTER: March 27, 2020

/s/ JAMES P. JONES

United States District Judge